

**DRAFT 9/30/04**  
**Report to Board of Forestry on Heritage Tree Petition**

**Forest Practice Committee, November 2004**

The BOF directed the Forest Practice Committee to discuss the following issues related to large, old and heritage trees:

- The definitional issues of old growth, including variations by region and species
- Disclosure requirements and how these requirements are fulfilled under the current regulatory system
- What, if any, improvements can be made either in the context of the THP for disclosure, or what mechanisms can be made for earlier disclosure

The BOF emphasized exploring voluntary methods of conservation and that no disincentives be made to further the production of large diameter trees.

The table below summarizes conclusions reached during our committee discussions on each of the above and proposes actions that the BOF could take to improve conservation of heritage and other large diameter trees.

**ISSUE 1**      **Definition of large, old or heritage tree**

**FINDINGS**

The definitions of large, old and heritage trees vary widely by site, region and species. The definitions also vary by the value (i.e. biological, cultural, and social) under consideration. The Forest Practice Act generally defines that these values need to be disclosed where significant and impacts to these resources reduced to less than significant.

**RECOMMENDED ACTIONS**

1. Rely on the existing definitions in the FPR and professional judgment to define values.
2. Through a guidance letter from CDF, inform RPFs of the expectation that the definitions they apply in evaluating large, old trees or heritage trees must be clearly stated in the THP.

**ISSUE 2**      **Disclosure of impacts to large, old trees or heritage trees**

**FINDINGS**

CDF provided numerous examples from the North Coast and Southern districts of THPs that disclosed the presence of large, old trees or heritage trees.

CDF staff indicated that discovery of and protection measures for large, old trees were often developed during the THP review period or at the pre-harvest inspection. Testimony indicated that while issues regarding large old trees were addressed in some THPs, documentation in the THP of such actions was not always done. Because disclosure of effects to large, old or heritage trees is not always disclosed in the THP (even when significant and mitigation measures are adopted), it is hard to monitor this issue.

Another non optimal situation also was found regarding regulatory necessity for disclosure of single or small groups of large old trees. Current regulations do not directly address disclosure of individual or small groups (< 20 acres late seral definitions in section 895) of large old trees. This regulatory “gap” was identified as a fundamental reason for lack of documented disclosure of the presence, value and impact to single or small groves of large trees. However, testimony and case THP examples indicated that individual trees have been identified as significant (from a CEQA or FPA perspective) and have been addressed in some THPs..

The participation of the Department of Fish and Game during THP review is critical to an adequate review of the biological values associated with large and/or old trees.

Training for RPFs directed specifically at the conservation of large, old or heritage trees is not presently available.

### **RECOMMENDED ACTIONS**

1. Through a guidance letter from CDF, inform RPFs of the expectation that significant large, old or heritage trees and their values will be disclosed in the THP.
2. The BOF will actively discuss and promote the need to fund staff positions to ensure an adequate field review of THPs with the administration and legislature. These necessary staff positions include staff from the CDF and staff from the California Department of Fish and Game.
3. The BOF will ask the California Licensed Foresters Association (CLFA) to provide training opportunities via their newsletters, breakfast meetings, annual conferences or other venues compatible with their organization to ensure that RPFs know the characteristics and values associated with heritage trees including wildlife, cultural and social elements.
4. The BOF will ask that the PFEC to include questions related to the assessment of large, old or heritage trees on the licensing exam.
5. The BOF will direct staff to evaluate the need for training for RPFs on the analysis of effects to the social environment with specific attention to the social values of large, old or heritage trees.

### **ISSUE 3      Earlier disclosure of significant large, old, or heritage tree resources**

#### **FINDINGS**

The California Department of Fish and Game encourages early consultation from timber land owners in the planning of THPs that involve trees of high wildlife value. The voluntary work done between Green Diamond Resources and CDFG serves as a case in point; their adopted approach increases consistency among THPs and reduces the debate over individual THPs.

Because the disclosure of significant large, old or heritage trees may occur during THP review, the public does not know until late in the process that large, old or heritage trees may be at issue.

#### **RECOMMENDED ACTIONS**

1. The BOF will direct CDF to actively recommend early consultation with CDFG to RPFs in THPs where trees with high biological values are present.
2. Through a guidance letter from CDF, inform RPFs of the expectation that significant large, old or heritage trees and their values will be disclosed in the first submission of the THP.

### **ISSUE 4      Maximizing incentives**

#### **FINDINGS**

Some interested parties identified that the regulatory requirement for wholesale preservation of large, old or heritage trees would be a financial disincentive to landowners holding these trees.

There is uncertainty about how much funding actually exists to protect individual large, old or heritage trees.

A number of programs have been identified that fund conservation of old growth, including the Natural Heritage Preservation Tax Credit administered by the Wildlife Conversation Board, and the CFD Forest Legacy Program. Neither of these programs is directly related to conserving large trees and the NHPTC is currently suspended from funding projects.

There is uncertainty about whether willing sellers and will buyers are able to find each other.

#### **RECOMMENDED ACTIONS**

1. The BOF will develop information resources to distribute to timberland owners and RPFs informing them of the various programs that can be

applied to support conservation efforts. For example, a resource page on the BOF website directing interested parties to the programs funding available.

2. The BOF will actively promote the support of large, old or heritage tree conservation with state agencies that fund conservation (e.g Wildlife Conservation Board).
3. The BOF will propose legislation that would introduce tax incentives that encourages the production of large trees and the retention of large, old or heritage trees.
4. The BOF will develop a certification program to recognize those retaining large, old trees.
5. The BOF will seek implementation of relevant tax incentive recommendations form “Forestland Incentives”: A Report of the Forestland Incentive Task Force and Resources Agency Action Plan “, 2001.

## **ISSUE 5      Areas for improvement or change**

### **FINDINGS**

Several actions that could increase the conservation of large, old or heritage trees were identified. Changes to rule language are not recommended at this time.

Interested parties remain concerned that effects to large, old or heritage trees are not adequately disclosed in THPs especially when present as individual trees or in stands less than 20 acres in size. Further, these interested parties question whether or not mitigation measures have been appropriately applied.

### **RECOMMENDED ACTIONS**

1. The BOF will implement the recommendations stated above.
2. The BOF will under take a review in nine months of each adopted recommendation to assess the degree to which the action has increased the clarity of disclosure about large, old, or heritage trees or improved their conservation.